

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALCOLM YOUNG, H72830,)
Petitioner,) No. C 17-3450 CRB (PR)
vs.) ORDER OF TRANSFER
S. SHERMAN, Warden,) (ECF No. 4)
Respondent.)

Petitioner seeks federal habeas review of the execution of a sentence imposed by Contra Costa County Superior Court, which lies in this district. See 28 U.S.C. § 84(a). Petitioner is incarcerated at the Substance Abuse Treatment Facility and State Prison, Corcoran, in Kings County, which lies in the Eastern District of California. See id. § 84(b). He also seeks to proceed in forma pauperis (IFP) under 28 U.S.C. § 1915.

Venue is proper in a habeas action in either the district of conviction or the district of confinement, id. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989); cf. Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968) (district of conviction preferable forum to review conviction).

Because Kings County lies in the Eastern District of California, the court orders that pursuant to 28 U.S.C. § 1404(a) and Habeas Local Rule 2254-3(b), and in the interest of justice, this petition be transferred to the United States District Court for the

1 Eastern District of California. But based solely on his affidavit of poverty, petitioner's
2 request to proceed IFP (ECF No. 4) is GRANTED.

3 The clerk shall transfer this matter forthwith.

4 SO ORDERED.

5 DATED: June 20, 2017


6 CHARLES R. BREYER
United States District Judge